

Article - Environment

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§16–101.

- (a) In this title the following words have the meanings indicated.
- (b) “Board” means the Board of Public Works.
- (c) “County” includes Baltimore City unless otherwise indicated.
- (d) “Department” means the Department of the Environment.
- (e) “Dredging” means the removal or displacement by any means of soil, sand, gravel, shells, or other material, whether or not of intrinsic value, from any State or private wetlands.
- (f) (1) “Filling” means:
 - (i) The displacement of navigable water by the depositing into State or private wetlands of soil, sand, gravel, shells, or other materials; or
 - (ii) The artificial alteration of navigable water levels by any physical structure, drainage ditch, or otherwise.
- (2) “Filling” includes storm drain projects which flow directly into tidal waters of the State.
- (3) “Filling” does not include:
 - (i) Drainage of agricultural land;
 - (ii) In-place replacement or repair of shore erosion control structures using substantially similar materials and construction design; or
 - (iii) Planting of wetlands vegetation when no grading or fill in State or private wetlands is necessary.
- (g) “Landward boundary of wetlands” means the common boundary between wetlands, as defined in this section, and lands not included within the definitions of wetlands appearing in this section.

(h) “Licensed marine contractor” has the meaning stated in Title 17, Subtitle 3 of this article.

(i) (1) “Nonwater–dependent project” means a temporary or permanent structure that, by reason of its intrinsic nature, use, or operation, does not require location in, on, or over State or private wetlands.

(2) “Nonwater–dependent project” includes:

- (i) A dwelling unit on a pier;
- (ii) A restaurant, a shop, an office, or any other commercial building or use on a pier;
- (iii) A temporary or permanent roof or covering on a pier;
- (iv) A pier used to support a nonwater–dependent use; and
- (v) A small–scale renewable energy system on a pier, including:

1. A solar energy system and its photovoltaic cells, solar panels, or other necessary equipment;

2. A geothermal energy system and its geothermal heat exchanger or other necessary equipment; and

3. A wind energy system and its wind turbine, tower, base, or other necessary equipment.

(3) “Nonwater–dependent project” does not include:

- (i) A fuel pump or other fuel–dispensing equipment on a pier;
- (ii) A sanitary sewage pump or other wastewater removal equipment on a pier;
- (iii) A pump, a pipe, or any other equipment attached to a pier and associated with a shellfish nursery operation under a permit issued by the Department of Natural Resources under § 4–11A–23 of the Natural Resources Article; or

(iv) An office on a pier for managing marina operations, including monitoring vessel traffic, registering vessels, providing docking services, and housing electrical or emergency equipment related to marina operations.

(j) “Person” means any natural person, partnership, joint-stock company, unincorporated association or society, the federal government, the State, any unit of the State, a political subdivision, or other corporation of any type.

(k) (1) “Pier” means any pier, wharf, dock, walkway, bulkhead, breakwater, piles, or other similar structure.

(2) “Pier” does not include any structure on pilings or stilts that was originally constructed beyond the landward boundaries of State or private wetlands.

(l) (1) “Private wetlands” means any land not considered “State wetland” bordering on or lying beneath tidal waters, which is subject to regular or periodic tidal action and supports aquatic growth.

(2) “Private wetlands” includes wetlands, transferred by the State by a valid grant, lease, patent, or grant confirmed by Article 5 of the Maryland Declaration of Rights, to the extent of the interest transferred.

(m) (1) “Public notice” means the public notice and public informational hearing procedures established in § 5–204(b) through (e) of this article.

(2) “Public notice” does not mean notice as provided for in § 16–303 of this title.

(n) “Regular or periodic tidal action” means the rise and fall of the sea produced by the attraction of the sun and moon uninfluenced by wind or any other circumstance.

(o) “Secretary” means the Secretary of the Environment.

(p) “State wetlands” means any land under the navigable waters of the State below the mean high tide, affected by the regular rise and fall of the tide. Wetlands of this category which have been transferred by the State by valid grant, lease, patent or grant confirmed by Article 5 of the Maryland Declaration of Rights shall be considered “private wetland” to the extent of the interest transferred.

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